

Solid Waste Funding Workgroup September 30, 2011, Meeting Notes

The meeting was held from 9:00 a.m. to 11:45 a.m. in Con Con A&B, Atrium South, Constitution Hall, Lansing, Michigan.

The workgroup was welcomed. The members introduced themselves and identified which organization they are representing.

Tom Frazier	Michigan Townships Association
Michael Csapo	RRRASOC representing waste authorities
Geoffrey Donaldson	St. Clair County representing Michigan Association of Counties
William Hinz	Allegan County Health Department representing Health Departments (MALPH)
Brendan Ringlever	Michigan Soft Drink Association Service Corporation representing the Michigan Recycling Partnership (filling in for Bill Lobenherz)
Jason Geer	Michigan Chamber of Commerce
Patty O'Donnell (on phone)	Northwest Michigan Council of Governments representing Councils of Governments
Tonia Olson	Granger representing Michigan Waste Industries Association
Kerrin O'Brien	Michigan Recycling Coalition (filling in for Sandy Rosen)
Roger Simon	Louis Padnos Iron & Metal Company representing Institute of Scrap Recycling Industries
Nick Carlson	Goodwill Association of America representing reuse stores (filling in for Randall Slikkers)
Jim Sygo	Department of Environmental Quality, Executive Division
Liz Browne	Department of Environmental Quality, Resource Management Division
Steve Sliver	Department of Environmental Quality, Resource Management Division
Matt Flechter	Department of Environmental Quality, Resource Management Division
Also invited but unable to be present were...	
James Clift	Michigan Environmental Council
Doug Wood	Kent County Department of Public Works representing incinerators and County Public Works Departments
Andy Such	Michigan Manufacturers Association representing MMA
Jason Mancini	Michigan Municipal League representing MML
Gary Dawson	Consumers Energy Company representing Type III landfill interests
Observing	
Jack Schinderle	Department of Environmental Quality, Hazardous Waste Section

The notes for the September 9, 2011, meeting were distributed via the Solid Waste Funding Workgroup Web site http://www.michigan.gov/deq/0,4561,7-135-3312_4123-261534--,00.html.

There were not any changes or revisions. **The DRAFT label will be removed from the notes and they will be placed on the Web.**

At the September 9, 2011, meeting the Workgroup was asked if there are other groups that should be represented on the Workgroup. A Workgroup member suggested that the Michigan Economic Development Corporation (MEDC) be approached to see if they have a person who would be interested in participating. The DEQ contacted the MEDC. **They said they do not think it was necessary for them to be a member of the Workgroup but they will be available as a resource if needed.**

Jim Sygo arrived and welcomed the group. He thanked the members for helping with this task. He envisions that this collaborative effort will result in a consensus.

At the September 9, 2011, SWFW meeting the Workgroup requested that the DEQ provide information on the current funding of Solid Waste Policy activities, including the Solid Waste Program.

A presentation, **that will be posted on the Workgroup Web site**, was provided. The following information highlights the main points of the presentation and the SWFW member discussion/questions.

Solid Waste Policy implementation activities include: promote waste utilization; ensure appropriate disposal capacity; regulate solid waste activities; education and outreach; and monitor, evaluate and modify the Policy.

An overview was provided describing what Solid Waste Policy activities the DEQ is responsible for. They include the Scrap Tire Program, Electronics Program, Hazardous Waste Program, Biosolids Program, Septage Waste Program, Office of Environmental Assistance (OEA) Programs, and Solid Waste Program.

The Scrap Tire Program regulates transportation, storage and disposal of scrap tires. Scrap tire cleanup and market development grants are provided. There are 11 Full Time Equivalent (FTE) positions. Total annual expenditures are approximately \$5 million.

The Electronics Program registers manufacturers and recyclers of covered electronic devices (TVs, computers, etc.). Takeback programs for covered electronic devices are overseen. Annual expenditures are approximately \$225,000.

The Hazardous Waste Program has limited overlap with the Solid Waste Program for household hazardous waste, conditionally-exempt small quantity generator waste, and universal waste.

The Biosolids Program regulates the management of sewage sludge and the land application of treated sewage sludge. There are 5 FTEs funded through \$700,000 in annual fees.

The Septage Waste Program regulates septage waste servicing and disposal, including land application. There are 3 FTEs funded through \$500,000 in annual fees.

The OEA has 38 FTEs who broadly support pollution prevention, which includes waste reduction and recycling. OEA does not have staff working exclusively on recycling or Solid

Waste Policy activities. The total annual expenditure on Solid Waste Policy activities is approximately \$100,000.

Solid Waste Program activities include *Permits/Licenses, *Solid Waste Planning, *Technical Reviews (Construction certifications, new cells, hydro reviews, HMP, etc.), Recycling/Composting (tech assistance), *Enforcement (escalated), *Inspections (compliance), Complaint response, *Waste Approvals (Beneficial reuse, inert designations, etc.), Outreach (web, Env. Ed, FAQ's, etc.), Solid Waste Advisory Committee (SWAC), Policy & Rule Development, Internal/External Committees, *Remedial Action Plans, *Yard Clippings/Compost Registrations, *Legislative Reports (Annual Solid Waste Report, Activities Report, etc.), Financial Assurance Reviews, *Solid Waste Alternative Program Grants, Technical Support for other Divisions, *Solid Waste Surcharge Collection, Legislative Assistance, Staff Training, Legislative Bill Analyses, and Environmental Monitoring/Sampling. The items with an asterisk are specifically required by statute.

The U.S. Environmental Protection Agency (EPA) makes determinations on the adequacy of state permitting programs for municipal solid waste landfills. EPA requires states to have a Solid Waste Management Plan.

The core Solid Waste Program includes: the EPA required permitting program, permitting and licensing landfills, processing plants, transfer stations, county solid waste management planning, the beneficial use program (inertness designations and land application), recycling and composting regulatory and technical assistance.

Overview of fiscal year 2010 (FY10)

Solid Waste Management Program

151 regulated facilities - landfills, transfer stations and processing plants

83 closure or post-closure landfills

Reviewed and approved County Solid Waste Management Plan amendments

837 inspections of licensed solid waste facilities were conducted

75 inspections at sites of illegal operations or at Type B transfer facilities

198 complaints received and 114 complaint inspections

83 letters of warning were issued

Ongoing enforcement actions

109 registered Composting facilities

Processed 8 construction permit applications and 56 operating license applications for solid waste disposal areas

As of December 1, 2010, 64 of 134 landfills had groundwater contamination (50 have approved Remedial Action Plans, 14 sites are under investigation)

There were 42 FTEs in the program before December 2010 and 26.4 FTEs after December 2010. Staff include: Enforcement, Inspections/Field Staff, Planning, Licensing/Permitting, Management, and Support Staff.

The Program is supported primarily by state restricted funds in the solid waste staff account of the Solid Waste Management Fund. Subsection 11550(4) limits the uses of the solid waste staff account. The primary revenue source for the staff account is the solid waste surcharge that was created in 2003. Surcharge of \$0.07/cubic yard was originally calculated by dividing the program costs of \$3.9 million by the total amount of solid waste disposed in 2002 (57 million cubic yards). Waste disposal has decreased from its peak by over 25 percent, resulting in

declining fee revenue. Program costs have increased due to increased employee costs and overhead/administrative costs. Fee revenue shortfalls have been offset by \$3.5 million of state Perpetual Care Account funds in FY10 and FY11. Surcharge increases effective October 1, 2011, to 12 cents per cubic yard through FY13. Surcharge revenue is projected to be \$4.7 million for FY12.

The 42 FTEs funded before the reductions last year was inadequate to perform all of the statutory requirements in Part 115. The 26.4 FTEs currently funded are not able to fulfill the duties of the core program. Some of the responsibilities that are not being fully addressed include: quarterly inspections, beneficial use program oversight and solid waste planning.

An inadequately funded Solid Waste Program may result in: failure to timely detect and require corrective action for releases from landfills, putting off-site sources of drinking water at risk. Increased disposal of prohibited wastes and increased odor and blowing trash complaints due to fewer inspections and evaluations of landfills. Issuance of permits and licenses by default due to the inability of staff to provide timely review of applications within statutory deadlines. Erosion of local control of solid waste management due to the DEQ's inability to maintain the solid waste management county planning program and initiate the next plan updates. An increased inability to pursue stakeholder recommendations to improve recycling and planning in the state and to take a leadership role in setting and implementing the statewide Solid Waste Policy.

A budget update was provided. Of particular interest is the effect of the "Other Post-Employment Benefits" calculations that was instituted this fiscal year and is expected to remain a part of program budgeting in the future.

A sub-committee to address the specific charge of evaluating the contracting out of landfill inspections was created. The sub-committee will, at a minimum, address the landfill inspections but may expand the scope to look at contracting other waste inspections. Additionally, the sub-committee may address the frequency and depth of various inspections. **The following members will serve on the sub-committee: Tonia Olson, William Hinz, Jason Geer.** (Also, decided after the SWFW meeting: DEQ staff, Margie Ring and Phil Roycraft will serve). **A note to the entire SWFW will be sent inviting participation on the sub-committee. A spot on each SWFW meeting agenda will be provided for the sub-committee to report progress.**

The matrix (originally created for the SWAC) provides information on progress in implementing the Michigan Solid Waste Policy will be **updated and sent to the SWFW**. Members will **identify activities being accomplished to further the Policy**. This will facilitate the identification of gaps.

The SWFW requested that the Solid Waste Policy tracking table that was used by the SWAC be **updated and shared**. The link for the tracking table is https://docs.google.com/spreadsheets/ccc?key=0AvW4kjkdje0adDg2YXF4WG5pRHVPMnctbkNSdGRCUWc&hl=en_US

Next Meeting is October 21, 2011, 9 a.m. to Noon, Rachel Carson Conference Room, Atrium North, Constitution Hall, Lansing, Michigan.